

FILED

JAN - 6 2025

AT _____ O'CLOCK
John M. Domurad, Clerk - Syracuse

ERIK CARPENTER,

Plaintiff(s),

v.

ALBANY COUNTY CORR. FACILITY; CRAIG APPLE,
Sheriff; SGT. GRIMMIS; CORRECTION OFFICER, Pollin
Badge #105; CORRECTION OFFICER, Polo; CORRECTION
OFFICER, ALI; CORRECTION OFFICER Armando; and DR.
Nosa Liberty, In their official & Individual Capacity

Defendant(s).

COMPLAINT
(Pro Se Prisoner)Case No. _____
(Assigned by Clerk's
Office upon filing)

Jury Demand

 Yes
 No

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's social security number, taxpayer identification number, or birth date; the name of a person known to be a minor; or a financial account number. A filing may include *only*: the last four digits of a social security number or taxpayer-identification number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Fed. R. Civ. P. 5.2.

I. LEGAL BASIS FOR COMPLAINT

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution and laws of the United States. Indicate below the federal basis for your claims.

- 42 U.S.C. § 1983 (state, county, or municipal defendants)
- Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)
- Other (please specify) STATE LAW and Constitution

Name: Erik Carpenter
Prisoner ID #: 15317
Place of detention: Albany County Corr. Facility
Address: 840 Albany-Shaker Rd.
Albany, N.Y. 12211

Indicate your confinement status when the alleged wrongdoing occurred:

Pretrial detainee
 Civilly committed detainee
 Convicted and sentenced state prisoner
 Convicted and sentenced federal prisoner
 Immigration detainee

Provide any other names by which you are or have been known and any other identification numbers associated with prior periods of incarceration:

If there are additional plaintiffs, each person must provide all of the information requested in this section and must sign the complaint; additional sheets of paper may be used and attached to this complaint.

III. DEFENDANT(S) INFORMATION

Defendant No. 1: Albany County Corr. Facility
Name (Last, First)

Local County Jail
Job Title

840 Albany-Shaker Rd.
Work Address

Albany NY 12211
City State Zip Code

Defendant No. 2: Craig Apple
Name (Last, First)

Sheriff
Job Title

16 Eagle St.

Work Address

Albany
CityNY
State12207
Zip Code

Defendant No. 3:

Sergeant Grimmis

Name (Last, First)

Sergeant

Job Title

Albany County Corr. Facility, 840 Albany-Shaker Rd.

Work Address

Albany
CityNY
State12211
Zip Code

Defendant No. 4:

Pollin Badge #105

Name (Last, First)

Correction Officer

Job Title

Albany County Corr. Facility, 840 Albany-Shaker Rd.

Work Address

Albany
CityNY
State12211
Zip Code

If there are additional defendants, the information requested in this section must be provided for each person; additional sheets of paper may be used and attached to this complaint.

IV. STATEMENT OF FACTS

State briefly and concisely the facts supporting your claims. Describe the events in the order they happened. Your statement of facts should include the following:

- The date(s) on which the events occurred
- Where these events took place (identify the facility and, if relevant, the specific location in the facility)

If you were physically injured by the alleged misconduct, describe the nature of your injuries and the medical evaluation and treatment you were provided. You need not cite to case law or statutes or provide legal argument in the Statement of Facts. Use additional sheets of paper if necessary.

Please see and read my attached hand written complaint describing the incident when I was Sexually Assaulted by C.O. Pollin Badge #105, C.O. Polo and C.O. Al; while Sgt. Grimmis stood by and watched and heard it happen and did nothing to stop the sexual assault and physical assault. I ended up suffering multiple injuries from pain, swelling, lacerations, Bleeding from left ear, a Perforated Ear Drum, swollen testicles, swollen Penis, cuts and bruises to ribs, back, Head, Face, shoulder and arm. with medical records clearly stating or indicating these same injuries. Please see the attached complaint incorporated with these papers.

V. STATEMENT OF CLAIM(S)

State briefly and concisely the constitutional and/or statutory basis for each claim you seek to assert and identify the defendant(s) against whom each claim is

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deliberate indifference to medical needs; unconstitutional conditions of confinement; denial of due process in a disciplinary or other proceeding; denial of equal protection; retaliation for the exercise of a First Amendment right; and interference with free exercise of religion. Legal argument and case citations are not required. Use additional sheets of paper if necessary.

FIRST CLAIM

Assault, Sexual Assault, Excessive Force, Retaliation by way of Assault,

Violation of Federal and State Constitutional Rights, Negligent Infliction

of Mental and Emotional Distress by all named defendants (see complaint)

To add to FIRST CAUSE OF ACTION

SECOND CLAIM

Unconstitutional conditions of confinement, denial of equal protection,

Failure to Protect, Failure to Intervene, Negligent Infliction of mental and

emotional distress, deliberate indifference to add to SECOND CAUSE OF ACTION IN ATTACHED

COMPLAINT

THIRD CLAIM

Violation of due process; Failure to train; Failure to have a P.R.E.A. Complaint

process to report and investigate P.R.E.A. Complaints; Having a Policy that acts

to help cover up reports of officer assaults on inmates to add this to ALL CAUSES OF

ACTION IN THE ATTACHED COMPLAINT.

VI. RELIEF REQUESTED

State briefly what relief you are seeking in this case.

Compensatory Damages in the amount stated in the attached complaint, and
Injunctive Relief to fix the problems of conditions in the jail

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 12-31-2024

Erik Caputo

Plaintiff's signature

(All plaintiffs must sign the complaint)

revised 10/2/16)

U.S. DISTRICT COURT, SECOND CIRCUIT
NORTHERN DISTRICT OF NEW YORK

ERIK CARPENTER, Plaintiff,

against -

ALBANY COUNTY CORR. FACILITY; Craig Apple, Sheriff; Sergeant Grannis; Corrections Officer Pollin; Corrections Officer Polo; Corrections Officer Ali; Corrections Officer Armando; and Dr. Nosa Lebarty,

In their Individual and Official Capacities.
Defendants.

42 U.S.C. 1983

CIVIL RIGHTS COMPLAINT

Case No. _____

[Trial by Jury Requested]

NATURE OF THIS ACTION

1. This is an action seeking relief; Declaratory Judgment, Injunctive Relief and Damages arising out of an ASSAULT upon Plaintiff without due cause or justification.

JURISDICTION AND VENUE

2. This action is brought pursuant to 42 U.S.C. 1983 and 1988 to redress the deprivation of plaintiff's State and Federal Constitutional Rights to be free and safe from Cruel and Usual Punishment and Equal Protection of the Laws.

3. The jurisdiction of the Court is founded upon 28 U.S.C. 1331 and 1333.

4. This Court has jurisdiction over plaintiff's State law claims under the doctrine of Pendent Jurisdiction.

5. This Court is authorized to render Declaratory Relief and Injunctive Relief with a Damages Award and the amount in controversy exclusive of interest and costs exceeds the sum of \$10,000.00.

6.

PARTIES

6. Plaintiff is a U.S. Citizen and resident of Albany County New York and at all times mentioned herein, is, and was, a Pre-Trial Detainee.

DEFENDANTS:

7. Corrections Officer Pollin (Pollin, Palin or Palin with ~~possibly~~ Badge No #105) whose full name is not yet known, is and was an officer employed at the Albany County Corr. Facility and is the main actor herein. His Badge Number is #105.

8. Corrections Officer Polo whose first name is not yet known, is and was an officer employed at Albany County Corr. Facility And is officer Pollin, Palin or Palin's brother.

9. Corrections Officer Ali, whose full name is not yet known, is and was an officer employed at Albany County Corr. Facility.

10. Corrections Officer Armando whose full name is not yet known, is and was the officer working on 1-West Tier at the time of the alleged Assault upon plaintiff.

11. Sergeant Grannis whose first name is not yet known was at all times, the Sergeant and/or Supervisor who witnessed and heard the Assault/Sexual Assault

and did nothing to stop it or intervene.

12. Sheriff Craig Apple is the Chief Officer and Operator of Albany County Corr. Facility, and is responsible for investigating complaints and reports of Assault or Sexual Assault committed by his officers or employees as well as the establishment of the methods and procedures associated with their investigation, discipline and training; he has the final say-so regarding the installation of surveillance cameras in areas of the facility that lacks sufficient surveillance to act as a deterrent and whether or not officers are to wear body cameras plus methods and procedures to detect or pinpoint abusive officers and actions to be taken if and when such officers may pose a risk to Pre-Trial Detainees or have a propensity or possibility abuse the inmate population.

13. The Albany County Corr. Facility is the local County Jail created and established under the laws of New York State as well as its Officers and employees.

14. Doctor Nosa Lebarty is and was the Albany County Corr. Facility Medical Doctor hired and employed or contracted to provide medical care to the inmate population; in this case, plaintiff who is and was a Pre-Trial Detainee.

FACTS AND ALLEGATIONS

15. On Dec. 9, 2024 at around 8:30pm during the 3pm. to 11pm. shift Plaintiff was urinating in his toilet inside of his cell. Corrections Officers abruptly stormed plaintiff's Tier to conduct a "Shake Down" without prior notice to the inmates.

16. Plaintiff did not know his Tier was going to be Raided that time or day. As the officers (including defendants Pollin, Polo, Ali, Armando and Sgt. Grimmis) ran down the Tier yelling, "Get into your Fucking cells!!! " and "Hey you! Get on the Floor!!", Plaintiff was in the process of flushing. Finishing his urine and flushing his toilet when these named defendants heard his toilet flushing and at his cell, they rushed in yelling before Plaintiff could even turn around, "You Fucking Asshole, why did you flush your Fucking toilet!!! " (it happened so fast) As plaintiff heard those words, he immediately felt being tackled and slammed into his solid Metal Wall and Solid Steel Metal Sink.

17. As Plaintiff crashed into the Solid Steel Wall and Sink, he felt pain from his bones crashing into the Metal Steel Surface and at the same time he felt Punches to the back of his head, back, side of his face, shoulders and arms, and during this instant officers were yelling, "You Fucking Stupid Motherfucker!!", "You flushed your toilet!!", "Why did you flush your Fucking toilet!!?", "We are going to Beat Your Fucking Ass!!" "Motherfucker!!!", "You Mother Fucker!!" during this same instant and it was defendants Pollin, Polo and Ali. Plaintiff did passively say, "I'm sorry."

18. During this instant Plaintiff was trying to turn around to fall towards his bed on his right, and as he was falling he was trying to cover his Face and head from the Punches in order to reduce damage and pain, trying to fall in a fetal position. Defendants Pollin, Polo and Ali were all inside of the cell at this point Punching him. throwing Punches wildly. Plaintiff continued to say "I'm sorry!"

19. Defendant Pollin was on Plaintiff's left, Polo on his right and Ali in between them towards the entrance of the cell.

20. As Plaintiff attempted to make a fall towards his bed, Officers Pollin and Polo were mainly punching him in his head, face and ribs, due to positioning, it obstructed Officer Ali from his punches to be able to effectively land.

21. As Plaintiff tried to fall towards his bed, Officers Pollin, Polo and Ali grabbed him to prevent him from falling on his bed. They grabbed Plaintiff by his right arm and shirt, ripping and tearing his shirt almost completely off of his body due to the extreme amount of pulling force used, and threw Plaintiff into the solid Steel Metal seat and table inside of his cell that is welded to the Steel Wall and during this instant these 3 officers continued to yell "MotherFucker!!", "Yeah, you Stupid MotherFucker!!", "You're Fucking Dead!!!". Plaintiff responded, "I'm sorry".

22. When they grabbed the Plaintiff, they Yanked him with such amount of force to cause him to slam into the Steel Metal Table and Seat which caused Plaintiff more Pain when his body slammed into the Cold Steel. He bounced off of the Steel Metal and fell to the floor, crashing onto the floor with a lot of force because there was nothing to help stop or break his fall from about 4 feet high from the floor.

23. Once Plaintiff landed on the floor crying out in pain, he was between his bed and his metal seat and table. Officer Pollin was down toward Plaintiff's feet standing in front of his sink, while Polo and Ali were up at his head at the entrance of his cell.

24. At this instant Plaintiff ~~cried~~ cryed out "Please stop, I'm not resisting!", Officer Pollin responded by saying, "I'm going to Kick your Dick and Balls in!!" Officer Polo said as he began stomping Plaintiff first before the others, he said, "Yeah We're gonna Crush your Fucking Nutts!!", Plaintiff could also hear Officer Ali say "Yeah Motherfucker!!" But Officer Pollin repeated his words saying "You won't have a Fucking Dick!!" As he began Kicking Plaintiff in his thighs targeting his penis and testicles. Plaintiff said, "please don't!"

25. Plaintiff began to squirm and scramble on the floor in a fetal position trying his best to protect his body parts from the kicking and stomping so, due to his squirming he was moving around and did not remain stationary.

26. Officer Pollin stomped and kicked Plaintiff in his penis and testicles Five (5) times. This officer's kicks and stamps landed directly on Plaintiff's penis and testicles causing so much pain he cried out, Officer Polo stomped on his penis and testicles (6) six times this officer managed to connect and Officer Ali due to positioning couldn't land his kicks successfully on to Plaintiff's penis or testicles, however, this officer made multiple attempts to.

27. These 3 officers stomped and kick Plaintiff in his hands, Officer

Pollin landed a punch to Plaintiff's left ear that caused Plaintiff to bleed from his left ear, lose his hearing and a Perforated Ear Drum. These punches by Officer Pollin were of such extreme force that it caused said damage, and Officer Polo and Pollin caused his penis and testicles to be damaged as well causing extreme pain, swelling, and all 3 officers caused Plaintiff to suffer, bleeding, blood, scars, bruises, swelling to his face, hands, head, back and ribs, lacerations to his skin located on his head, face, ear, ribs and back, and cuts to his side and head. Swollen fingers that were also stomped.

28. Once Plaintiff began crying these 3 defendants finally stopped. Officer Pollin said, "Yeah, I think that's enough guys", "Now stand the fuck up!!", but Plaintiff was unable to stand up. At that point the officers exited his cell and the Sergeant who is Sergeant Grimmis came to the entrance of Plaintiff's cell and said "Get Your Ass Up!!", "Get the fuck Up!!" "Next time your ass won't flush the toilet when you hear us coming in!!" Plaintiff was still crying and said "I can't get up, I need help!" Sergeant Grimmis then said, "Well I guess that's your problem." Then they all walked away and this Sergeant yelled to the Tier officer to close Plaintiff's cell and his cell was then closed.

29. After awhile, Plaintiff tried to get up and he eventually did. He waited for his Tier officer to make round. Once Officer Armando made it to his cell, Plaintiff stopped him and specifically said to this defendant: "The officers assaulted me, my ear is bleeding, I cannot hear out of my ear, I'm in pain my private parts are swollen and in pain, I'm bleeding on my side, could you please help me and call medical so I can get emergency medical help please.", Defendant Officer Armando said, "No! I'm not calling anyone for you, the Sergeant told me not to send you anywhere.", Plaintiff then asked this defendant Officer Armando, "What Sergeant told you this?", Defendant Officer Armando then said in a very extremely sarcastic tone of voice: "The Sergeant I spoke to." This defendant then walked away and never called medical and never provided any kind of help or assistance to this Plaintiff.

30. Plaintiff continued to seek help. Once the officers changed shifts on the 11 p.m. to 7 a.m. shift, when the Tier officer made a round, this officer immediately assisted this plaintiff by calling medical and had him escorted to medical for help.

31. Once at medical, Plaintiff reported the incident to medical staff, copies of these reports are herein marked as Exhibits A, B, C, etc. which confirm his injuries and that he attempted to report the sexual assault upon his penis and testicles, however medical staff, in their reports, it clearly appears as if they all tried to either down play the assault to help cover up these officer's actions or made passing references or passing mention in these reports about the assault and plaintiff complains that it is because defendant Craig Apple and The Albany County Corr Facility have a custom and practice of not reporting these assaults, making false reports or not specifying in

their reports that their officers are being accused of assault and this custom and practice frustrates victims attempts to have documented proof that they tried to report an assault by staff.

32. Plaintiff was sent to the Emergency Room that night of the assault. Prior to being sent to the hospital, the Sergeant at Medical on the 11p.m. to 7a.m. shift took photos of plaintiff's multiple injuries. And plaintiff did notify this Sergeant of the assault as well.

33. Plaintiff was treated at St. Peter's Hospital for his injuries which were swelling, lacerations, bleeding, a Perforated EarDrum, Testicular Pain, Chest Wall pain (due to the punches and kicks to his chest area) all of which are documented injuries sustained from this assault, and while at St. Peter's Hospital their Crime Victims Unit Investigators took statements and a report from this plaintiff.

34. When Plaintiff was seen by Defendant, Doctor Nosa Lebarty, plaintiff specifically told this Doctor that he was assaulted by Corrections Officers who kicked him in his Penis and Testicles and that he has pain in his testicles and that he needs help to report this assault. This Defendant knowingly and intentionally made false reports about the incident in order to frustrate plaintiff's attempts to report the assault, made passing references so that the unsuspecting reader will not be about to detect that there has been an illegal assault committed by Corrections Officers. In this Doctor's "comments" or "statements", this defendant intentionally excluded any reference or mention of "Correctional Officers"; yet at the same time this defendant reported that plaintiff was "slammed" on the table but left out the most critical part which is "who" is the person that slammed him because if this plaintiff told this doctor that he was slammed on the table, Plaintiff certainly told this doctor the person who did the slamming so why leave that out? Plaintiff has attached EXHIBITS _____ in support of his claim and factual allegations that defendant Nosa Lebarty intentionally withheld information so as not to report that Corrections Officers assaulted plaintiff and also falsely reported that he got "Kicked in Stomach" or otherwise intentionally left out the fact that he got Kicked in his penis and testicles and that it was done by Corrections Officers. The first misleading report was made on 12/10/2024 at 9:46AM, see EXHIBIT _____, and the second misleading report in which he intentionally leaves out that Corrections Officers either did it or were even involved was made on 12/13/2024 at 2:54P.M., see EXHIBIT _____.

35. In another report made by Registered Nurse Carolyn Koonce, she also intentionally leaves out any mention or indication that Corrections Officers were involved in the assault or that they are the ones who "slammed" plaintiff on desk "causing ear and testicular discomfort." It goes without saying that Plaintiff certainly told ALL medical staff that he has been assaulted as all of these medical reports clearly indicate. Plaintiff asserts that he specifically told every medical staff member he

Came into contact with, that he was assaulted by Corrections Officers. Yet all medical staff who made reports & comments or statements in his medical records, they all intentionally omit and leave out any mention that either Corrections Officers did it or were involved. Because of this critical omission, it will be extremely difficult for anyone to suspect or conclude that a Corrections Officer was involved and this is of significant importance because why have all mentions of Corrections Officers been omitted and not reported? Is it to help them to get away with committing illegal assaults? Or is it due to a Custom Policy or Practice that they have been Specifically told to do? Plaintiff asserts that Defendants Albany County Corr Facility and Craig Apple the Sheriff who has the power to make or create these kinds of policies, practices or customs has ordered ALL medical staff to Never put any Names of Officers, nor state that an Officer assaulted an inmate and to Never, ever, put in their reports that the inmate said an officer is responsible for their injuries or that an officer or officers assaulted the inmate. that this is being done at the orders and direction of Defendant Albany County Corr. Facility and Defendant Craig Apple and they enforce this custom and policy in order to help to cover up assaults committed by Correction Officer and to frustrate plaintiff's and any other inmate's attempts to show that they were Beaten, Battered or Harmed in some kind of way by Corrections Officers and Defendants do train them to omit this information in their medical reports intentionally. Please review Carolyn Koenig's report on 12/10/2024 at 12:44 A.M. herein marked as EXHIBIT-C, and compare EXHIBITS A and B together. They all clearly report his injuries consistant with the allegations made herein in paragraphs 15 to 33 above about the assault, but they all intentionally exclude key important factors which is who did plaintiff say caused the injuries? and whether or not it was an "assault", they all state "altercation" instead of "assault" and leave out the fact that it was Corrections Officers involved, why are they excluding these facts? Whenever there is an inmate on inmate assault, medical staff ALWAYS specifically report in their records that it was "inmate on inmate" assault or "inmate on inmate" fight but not when an officer is being accused. They leave this fact out.

36. Another problem that contributes to these assaults by officers on inmates is that this location of the jail were this particular assault occurred lacks any kind of video surveillance. There are NO kind of video surveillance cameras installed in this part of the jail. So there is no kind of Deterrent. Plus these officers don't have on body cameras.

37. This is the old side of the jail, From 1-West, 2-West, 3-West, 1-East, 2-East and 3-East there are NO kind of video surveillance cameras installed on these Tiers and these are the locations where ALL of the Officer Assaults occur and proof of this is maintained by the Defendants themselves from past incidents that have been reported in their own records. they have done

absolutely nothing to address this known persistent problem of officers coming onto these Tiers and assaulting inmates. These assaults don't happen in the newly constructed additions to the old original jail because ALL of these housing units have multiple surveillance cameras installed throughout these areas which are A and B Buildings.

38. Plaintiff has included a Drawn Blue-Print of the layout and floor plan of his Tier where the assault occurred so that you can see the danger posed due to lack of surveillance cameras and all of the Tiers named in paragraph 37 above are the exact same with NO kind of surveillance cameras anywhere on the Tier. See EXHIBIT ____

39. As you can see, once you enter through the first door you will be completely cut off from the entire facility. Once you enter onto the actual Tier you are now Trapped inside and No one can see or hear what's occurring down the tier unless they walk down the Tier's "Cat Walk". The entrance in and out is extremely narrow. There are NO kind of Video Camera Surveillance anywhere. It's a very dangerous layout and ideal for abusive Corrections officers because there's no kind of video and it's closed off from the rest of the facility.

40. Had there been some kind of video surveillance installed or officer's being required to wear Body Cameras who work on these Tiers or who enter these Tiers for "Shake Downs" and have the Body Cameras on and recording, Plaintiff may not have suffered this assault and at least there would be a deterrent but there is not.

41. Also, Defendants Albany County Corr. Facility and Sheriff, Craig Apple use a Classification System and policy that's abusive and contributes to inmate assaults and Pretrial Detainees being repeatedly extorted and assaulted. These Defendants house Pretrial Detainees who have minor misdemeanor charges with Sentenced and non-sentenced Detainees with serious felony charges who aren't getting released any time soon. For example, their system of Classification DOES NOT separate Pretrial Detainees with Misdemeanor charge or charges from those with serious felony charges. They house an inmate with a Misdemeanor charge on a Tier with all Felons who have current felony charges pending. As a result, the inmates with the minor misdemeanor charges always end up getting seriously assaulted and in order for him to move prior to being assaulted, he has to sign into protective custody otherwise the facility staff will NOT move him to a housing unit with other misdemeanor pretrial detainees. Rules and custom is: you either fight then get moved, or sign into protective custody. This is well known and has been the custom for many decades.

42. The Defendants absolutely DO NOT separate Pretrial Detainees who have misdemeanors from pretrial inmates who have felony charges pending. The only way a misdemeanor pretrial detainee can obtain safety from being housed with pretrial inmates that ~~have~~ felony charges is to fight them and then be moved (but there's no guarantee you'll be moved to a Tier with other misdemeanor detainees) or sign into protective custody where your movement will now be restricted and you'll be locked

inside of your cell for a minimum of 12 hours everyday for being in protective custody.

43. Also, the Defendants engage in rampant Racial Discrimination in their Classification System and process. Defendants show preferential treatment to White pretrial and sentenced inmates over Black, Latino and Asians, but primarily Black inmates.

44. Defendants Albany County Corr Facility and Sheriff Craig Apple, house all of the White inmates in the nicer part of the facility which is A and B Building. And ALL of the white pretrial detainees with Felonies are housed together in the nice part of the facility in A and B Building. But all of the Black pretrial inmates with felony charges are ALL housed in the old nasty part of the jail with cells full of rust, rusting walls, faulty toilet systems and NO AIR CONDITIONING SYSTEM. All the White pretrial detainees with similar felony charges are all housed in the new part of the jail with Bigger cells, Bigger lounging areas and with AIR CONDITIONING. Their own housing and classification records are 100% proof of this fact. This is true.

45. If you are Black and have only a misdemeanor charge or charges you might get lucky and be placed in B Building with the majority white inmates there. But if you're Black and have a felony they put you in the back of the jail on the old Tiers in smaller cells, smaller lounge area and NO KIND OF AIR CONDITIONING. This is the Policy, Custom and practice of the Defendants and Craig Apples is Fully aware of this fact and allows this discrimination to continue for decades.

46. Also for the gang members, defendants house them next to each other on the same side of the jail. They don't really separate them. For example, they house the "Uptown" Gang members on 3-East Tier, and just below it downstairs, they house the "downtown" Gang member rivals on 2-East instead of housing one of the two on the Western side of the jail. Whenever one of the rival gang members upset their Tier officer, the Sergeant and officers "pack him up" and intentionally puts the gang member on his rivals Tier resulting in an gang assault and they watch it happening. Once he is beaten, then they tell the rivals to stop and drag him off the Tier. This has been going on for decades.

47. The emergency "Fight" Siren goes off everyday. There's constant fights on these same Tiers daily. It's always vulnerable pretrial detainees being housed on the wrong Tier but these defendants allow this to persist intentionally. Their own record of how many times their siren is sounded for a fight is proof against them.

48. The defendants give preferential treatment to White pretrial detainees by virtue of being white. They are always housed in the best locations and given all of the best jobs. All of the outside jobs are given to white inmates and never to Black inmates. And Black inmates are sent to the back of the jail the old nasty part for being Black and accused of a crime.

absolutely nothing to address this known persistent problem of officers coming onto these Tiers and assaulting inmates. These assaults do not happen in the newly constructed additions to the old jail because all of these housing units have multiple surveillance cameras installed all throughout these areas which are A-Building and B-Building including the annex.

¶¶ Plaintiff has included a Blue Print drawing of his Tier in order to assist you to have a fuller visual understanding of his Tier and how it is situated and all of the Tiers he mentioned in paragraph 37 are the exact same with NO kind of video surveillance cameras installed on these Tiers which could be a perfect deterrent and could be used as evidence to help pinpoint bad actors including other forms of misbehavior of inmates alike. Please see EXHIBIT

¶¶ As you can see, once you enter the first door, everything that happens inside is 100% cut off from the entire facility. And once you are actually on the Tier you could be beaten to death and no one would know about it until they actually walk down the Tier to inspect. It's a very dangerous layout and these abusive officers take full advantage of the coverage these Tiers provide because there is NO kind of video surveillance.

¶¶ Had there been some kind of video surveillance installed or that officers wear Body Cameras who work or will enter these Tiers, plaintiff may not have been assaulted.

FIRST CAUSE OF ACTION

¶¶ Plaintiff restates and realleges paragraphs 1 to 49 above and asserts that at no point prior to, at the moment of, or during the time the defendants officer Pollin Badge No. #105, Officer Polo and Officer Ali entered Plaintiff's housing unit ~~at~~ aggressively, threatening or dangerously; nor did Plaintiff provoke or taunt these officers, and there was no reasonable justification any sane person can conclude, based upon the allegations made in paragraphs 1 to 40 above that Plaintiff deserved to be assaulted to that amount of degree, nor is there any reasonably rational basis to conclude or assume that these officers acted justly; and the acts of these officers as alleged in the above paragraphs violated his 4th and 8th Amendment Constitutional Rights.

SECOND CAUSE OF ACTION

¶¶ Plaintiff restates and realleges paragraphs 1 to 41 above and asserts that he was at all times mentioned, a Pretrial Detainee, and the actions of punching, kicking and stomping Plaintiff's body causing a Perforated Ear Drum, Bleeding from his Left ear, swelling, pain to his genitals, and Lacerations, all of which are documented injuries as established by his attached medical records

marked as EXHIBITS-A to E herewith, and said actions of the defendants punching, kicking and stomping his body is and was a legally unauthorized and unjust ASSAULT, SEXUAL ASSAULT, EXCESSIVE FORCE, CRUEL AND INHUMANE PUNISHMENT THAT WAS DELIBERATELY DEPRAVED INDIFFERENCE TO HIS STATE AND FEDERAL CONSTITUTIONAL RIGHTS AND ALSO OTHERWISE AMOUNTS TO NEGIGENT INFILCTION ~~OF~~ BODILY INJURY AND NEGIGENT INFILCTION OF MENTAL AND EMOTIONAL DISTRESS.

THIRD CAUSE OF ACTION

33. Plaintiff restates and realleges paragraphs 1 to ~~52~~ above and for purposes of identifying the defendants to be charged with the second cause of action, plaintiff charges that cause of action against ALL named defendants, especially Badge Number 105.

FOURTH CAUSE OF ACTION

33. Plaintiff restates and realleges paragraphs 1 to ~~51~~ above and asserts that Defendants Sergeant Grimmis and Sheriff Craig Apple acted or acts NEGIGENT, FAILED TO INTERVENE and FAILED TO PROTECT Plaintiff from the Assault upon his body by the other named defendants Sgt. Grimmis was present and heard and saw the assault but did nothing to stop it, but instead allowed it to continue until its end and was the acting Supervisor present and had supervisory authority over the officers, and Defendant Craig Apple is the Chief officer who knows or should know that officers have been accused of assaulting Pretrial Detainees in the jail due to decades of these kinds of reports including he, himself, being previously named as a defendant in past civil actions alleging similar misconduct so he has been effectively put on notice, however, the combination of Never installing video surveillance cameras in these known locations within the jail where the majority of the assaults occur, ignoring written complaints Pretrial Detainees mail directly to him addressed to him, for example, this plaintiff mailed Craig Apple a written complaint detailing the assault reporting in in the written form of a "P.R.E.A. Complaint" and "P.R.E.A. Formal Grievance Complaint", Craig Apple never responded back to this plaintiff in writing nor by phone call nor thru any of his representatives or subordinate officers and NO investigation was ever commenced or initiated by Craig Apple, and the officers who conduct "shake downs" on this side of the jail that have no kind of video surveillance on the Tiers such a plaintiff's dangerous Tier, Craig Apple hasn't even established a policy or requirement that these officers wear body cameras, and for these reasons combined, plaintiff asserts the Craig Apple is liable or should be liable or held accountable

For these Failures combined, that Craig Apple FAILED TO PROTECT Plaintiff from Foreseeable assaults, FAILED TO PROTECT Plaintiff by taking reasonable actions to mitigate Pretrial Detainee Assaults due to the combination of failures stated in this cause of action and paragraphs 1 to 42 above.

FIFTH CAUSE OF ACTION

56. Plaintiff restates and realleges paragraphs 1 to 54 above and asserts that the lack of video surveillance on the Tiers of the old jail, no policy requiring officers (ALL Officers) wear body cameras, or at least all officers working on these Old Tiers without any kind of video surveillance be required to wear body cameras who are or will come into contact with inmates housed on these Tiers, the deplorable state of the cells on these Tiers, full of Rooting Rust all around the toilets, windows that are not able to open or close because they are faulty and broken, the cell doors constantly malfunctioning everyday, no kind of video surveillance cameras located anywhere on the Tiers, The claustrophobic layout of these Tiers with very little space to move around and to stretch out without feeling bunched in together in a sardine can, No kind of Airconditions, No Air circulation system, if it's 90 degrees outside in the summertime, its over 100 degrees hot and humid on these tiers because it all hard steel metal that heats up according to the temperature it is in, No fans are supplied to inmates housed on these tiers violates this plaintiff's State and Federal Constitutional Rights due to all of these Conditions combined and Plaintiff asserts that it is the fault of Craig Apple that these conditions persist because he knows of them but has done nothing to address them the entire time he has held his position as Sheriff, however, he provides himself and other officers with perks using the funds available to him instead of using these funds to address these constitutional issues.

SIXTH CAUSE OF ACTION

57. Plaintiff restates and realleges paragraph 56 and those paragraphs incorporated by reference therein and asserts that Defendant's Craig Apple and Albany County C.F. are engaged in a custom, policy or practice that has created conditions of confinement for Pretrial Detainees unconstitutional under the 1st, 4th, 5th, 8th and 14th Amendment and the State Constitution.

SEVENTH CAUSE OF ACTION

58. Plaintiff restates and realleges paragraphs 41 to 50 above and assert that the defendants use a classification system that is dangerous; they house Pretrial Detainees with only misdemeanor charges with Pretrial Detainees with felony charges, do not try to separate the 2 types, also they don't use age as a major determining factor, for example, they house a 50 year old man with a misdemeanor on a Tier with youths with felonies

that their classification system along with everything else stated and alleged in paragraphs 41 to 50 contributes to unconstitutional conditions of confinement.

EIGHTH CAUSE OF ACTION

50. Plaintiff restates and realleges paragraphs 31 to 49 above and asserts that Albany County Corr. Facility and Defendant Nosa Lebarty negligently failed to report plaintiff's assault and engage in a practice policy or custom of not reporting in their reports whether an officer or officer is or was involved in an assault, they exclude any and all references of culpability by officers, and actively withhold certain important information when reporting altercations involving corrections officers when Pretrial inmates, or when this plaintiff reported to them (defendants herein) that he was sexually assaulted and that Craig Apple authorizes this practice and that this is a custom of NEGIGENT REPORTING practices.

NINTH CAUSE OF ACTION

60. Plaintiff restates and realleges paragraphs 41 to 50, 56, 57, and 58 and asserts that the Defendants engage in Discrimination to African American and other non-white pretrial detainees in violation of State Law and State and Federal Constitution.

TENTH CAUSE OF ACTION

61. Plaintiff restates and realleges paragraphs 1 to 60 above and concludes that the Defendants engage in the custom policy and practice of NOT separating violent pretrial, local sentenced and state/federal sentenced from non-violent pretrial, locally sentenced or state/federal sentenced inmates, nor by age range, they are all randomly mixed together which creates either a dangerous violent environment for you depending on which Tier you are put on, or, if you're lucky when you happen to have only a misdemeanor and have to be detained, hopefully you'll be sent to a more laid back unit, plus if you're not lucky you could still end up on the old side of the jail where the Tiers are very narrow, the cells very small, full of rot and rust all around the toilets and walls, the toilets haven't been cleaned in years so the soot and grime is permanently caked in the toilet that you have to sit on and the cleaner the defendant's provide do not remove this permanent grime, all of the toilets in the holding pins haven't been cleaned in many years to the point that the feces has permanently merged with the metal and can't be removed, The old side has No kind of air conditioning, no kind of air circulation system and at the same time many of the windows are screwed shut and sealed, others can not be opened due to the old faulty wear and tear and the defendant do not provide fans under no circumstances, so if it's 90 degrees hot, it 100 degrees hot on your Tier surrounded by

all solid steel, if you slip and fall, you risk hitting solid steel bars all around you including steel tables and welded down steel seats; The heat always malfunction ~~and~~ the during wintertime on the old Tiers so you'll freeze and be cold for days at a time until the heat is fixed plus many of these old heaters do not work so its based on luck if you get a cell near working heat in the winter; defendant's absolutely DO NOT distinguish its inmate population from pretrial or sentenced, non-Violent or violent nor age, they only distinguish by race which is either white or black; the whites all get assigned to the new parts of the jail A and B Building, the majority white, and all Blacks are sent to the old side of the jail which is the less desirable part of the jail and this side has absolutely no kind of video surveillance cameras on the Tiers where the inmates hang out and lounge and have recreation, but the newer nicer side, A and B Building has all kinds of video surveillance cameras withing recreation, lounge and hangout areas and other locations to deter officer misconduct, all of the best jobs and outside jobs are first offered to and given to white inmates never under no circumstances are they first offered to Black inmates and Black inmates only get these jobs when the white inmate population is too low to fill them spots; all, virtually all of the reports and complaints of correction officer assaults on inmates occur on the old side of the jail and despite the defendant Craig Apple and Albany County C.F. having full knowledge of all of these things, they still have not and will not to steps or establish a policy of action to identify these bad officers, instead, they protect them and allow this custom of Beating on hand-cuffed inmates who pose no threat and its white corrections officers going to these old Tiers with No video surveillance and attacking Black pretrial detainees, the majority of these assaults are committed while the inmate is hand-cuffed and cannot defend him or herself and it is also the food, if you are lucky, you'll get a full tray of food; it is all of these things together Plaintiff complains is DISCRIMINATION AND CONDITIONS THAT FAIL TO MEET CONSTITUTIONAL STANDARDS; that they are violating State and Federal Constitutional rights of plaintiff and other similarly situated non-white pretrial detainees in the jail.

WHEREFORE, Plaintiff respectfully prays for a judgment in his favor:

(A). DECLARING, that Defendant's Pollin with Badge No.#105, Polo, Ali and Grimmelis violated Plaintiff's State and/or Federal Constitutional Rights under Amendments 4 and 8 and the State's equivalent; and

(B). DECLARE, that Defendants Pollin Badge No#105, Polo and Ali used Excessive Force and Sexually Assaulted or Assaulted plaintiff without just cause; and

(C). DECLARE, defendant Sergeant Grimmis acted Negligent, Failed To Intervene, and Failed To Protect Plaintiff or Plaintiff's rights and was deliberately indifferent towards his rights or, in the alternative, acted Carelessly and negligently which resulted in injury to Plaintiff; and

(D). DECLARE, that defendants caused Negligent infliction of Bodily Injury and/or Negligent Infliction of Mental and/or Emotional Distress; and

(E). DECLARE, that Defendants engage in a policy or custom of negligent reporting of corrections officer assaults and/or misconduct against inmates in the jail; and

(F). DECLARE, that Defendants engage in a custom or practice of Discrimination against non-white inmates and have allowed unconstitutional and unsafe conditions to persist in the jail with regard to Plaintiff's, 5th, 6th, 7th, 8th, 9th and 10th causes of action; and

AWARD COMPENSATORY DAMAGES for his Pain and Suffering in the amount of \$ 250,000.00; Mental and Emotional Distress in the amount of \$ 225,000.00; and For Violating his State and Federal Constitutional Rights in the amount of \$ 450,000.00 plus interest, costs and fees; and

INJUNCTIVE RELIEF, enjoining defendant Craig Apple and Albany County C.F. to stop its Discriminatory practices; establish a Classification System that separates minor offenses from serious and house inmate accordingly, with due consideration to other factors that will lessen inmate on inmate assaults and fighting and other misbehavior, and to install video surveillance cameras on Tiers 1-East, 2-East, 3-East, 1-West, 2-West, 3-West including other locations that lack surveillance in order to deter correction officer misconduct and assaults in these locations, and to appoint an independent monitor to make sure the defendants remain in compliance with this Permanent injunction, and for any other relief this Court deems just and proper.

Sworn to Before Me This
30th day of December 24

BONNI J. DEADY
NOTARY PUBLIC

BONNI J. DEADY
Notary Public, State of New York
Qualified in Albany County
Reg. No. 01DE6291472
Commission Expires October 15, 2025

Erik Carpenter
Plaintiff

Erik Carpenter
Albany County Corr. Fac.
840 Albany-Shaker Rd.
Albany, N.Y. 12211

VERIFICATION

STATE OF NEW YORK }
COUNTY OF ALBANY } SS.:

I, ERIK CARPENTER, being duly sworn, deposes and says:

I am the Plaintiff named in the annexed 42 U.S.C. 1983 Civil Rights Complaint and I have read the contents of the Complaint and all Supporting papers, if any, and I know the contents of it, and the same is true to the best of my knowledge and belief, and as to the matters therein stated to be alleged on information and belief, I do believe it to be true.

Sworn To Before Me This
30th day of December 2024

BONNI J. DEADY
NOTARY PUBLIC

x Erik Carpenter
Plaintiff

BONNI J. DEADY
Notary Public, State of New York
Qualified in Albany County
Reg. No. 01DE6291472
Commission Expires October 15, 2028

Albany840 Albany Shaker Rd Albany, NY 12211
Phone:(518) 869-2641

December 23, 2024

Page 1

EXHIBIT-A

ERIK CARPENTER	COMMITMENT#: 22-01606	SBI#: 46 Years Old
DOB: 10/25/1978	LOC: 1 WEST R 17 1	Race: Black or African American
HLCN: ALB		

12/10/2024 - Progress Note: Other - altercation

Provider: Nosa Lebarty MD

Location of Care: Albany

*A***General Note****Note Type:** Other**Subject:** altercation

Pt seen and examined. States there was a shake-down at his cell resulting to him getting "slammed" on the table, he can't hear from his left ear he states. He said he was bleeding from his ears last night, some bodily brusies, HA, states he has "head lumps". He got kicked in his "stomach" he states. He states that he is deaf now and in profused pain.

*I NEVER SAID STOMACH!!***Assessment & Plan****Assessment Comments:** S/P altercation

Hearing loss

Scrotal pain

Plan Comments: Due to multiple complaints, he will be sent to the ED for appropriate diagnostic and if possible therapeutic modalities.

Disposition & Patient Education**Does the inmate need assistive devices?** No**Disposition:** General Population

The patient has been educated regarding the patient's diagnosis and diagnostic results. The patient verbalizes understanding of current health status and expresses verbal consent to current management.

Yes

Education Provided: Medicine Management**Clinical Lists Changes****Observations:**

Added new observation of CARE LOC: General Population (12/10/2024 9:30)

Added new observation of Gen Note Type: Other (12/10/2024 9:30)

Electronically signed by Nosa Lebarty MD on 12/10/2024 at 9:46 AM

*Reported that Nosa Lebarty, MD made a false report today 12/10/2024
I told him that officers Sexually Assaulted me by Kicking me in my
Penis and testicles intentionally and stomped them with their boots.*

*A**A*

Albany840 Albany Shaker Rd Albany, NY 12211
Phone:(518) 869-2641*B*

December 23, 2024

Page 1

ERIK CARPENTER	COMMITMENT#: 22-01606	SBI#: 46 Years Old
DOB: 10/25/1978	LOC: 1 WEST R 17 1	Race: Black or African American
Gender: Male		
HLCN: ALB		

12/10/2024 - Emergency Room Referral: Emergency Room Referral
 Provider: Theresa Decker RN
 Location of Care: Albany

*EXHIBIT-B***Encounter Context**

Facility at time of evaluation: Albany
Age at Time: 46 Years Old

indicates some of my
 injuries from the sexual assault
 and physical assault. NOT A HEADACHE,
 I LOSS OF HEARING IN MY LEFT EAR
 THATS PERFORATED/RUPTURED
 LEFT EAR DRUM

Current Events

Referring Physician: Dr. Lebarty
Referred To: ER Discussed with ER Staff
Referred to which clinic: St. Peter's
Transport Type: Non-Emergency
Chief Complaint: Inmate c/o headache, scrotal pain, loss of hearing in right ear to provider Lebarty

Allergies, Medications and Problems**Active Meds:**

GABAPENTIN 600 MG ORAL TABLET 0.5 Tablet bedtime Oral DOT dose 300mg, crush and mouth check!!!, VRAYLAR 6 MG ORAL CAPSULE 1 Capsule once a day Oral DOT mouth check!!! use samples, TRAZODONE HCL 300 MG ORAL TABLET 1 Tablet bedtime Oral DOT crush and mouth check!!!, REMERON 30 MG ORAL TABLET 2 Tablet bedtime Oral DOT dose 60mg, crush and mouth check!!!, SEROQUEL 400 MG ORAL TABLET 1 Tablet bedtime Oral DOT mouth check!!!.

Problems:

Ruptured achilles tendon (ICD-727.67) (ICD10-M66.379), Std screening (ICD-V74.5) (ICD10-Z11.3), Nevus (ICD-216.9) (ICD10-D22.9), Antisocial personality disorder (ICD-301.7) (ICD10-F60.2), Depression, chronic (ICD-311) (ICD10-F32.9), Substance induced affective disorder (ICD-292.84) (ICD10-F19.94).

Orders:

TB/PPD Plant [PPDPLANT], Dental Annual [Dental Annual], Other [Other], Provider Sick Call - Routine [PROVSCROUT].

Physical Findings

Appearance: Inmate is alert and oriented, assessed by MD Lebarty.

Reason for Referral

RN completing referral for provider, assessment done by MD, determined need for ER sendout to St. Peter's.

Electronically signed by Theresa Decker RN on 12/10/2024 at 9:44 AM

*EXHIBIT-B**B**B*

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December 23, 2024

Page 1

ERIK CARPENTER COMMITMENT#: 22-01606 SBI#: 46 Years Old
DOB: 10/25/1978 LOC: 1 WEST R 17 1 Race: Black or African American Gender: Male
HLCN: ALB

12/10/2024 - General Update: Nurse - s/p shakedown
 Provider: Carolyn Koonce RN
 Location of Care: Albany

EXHIBIT-C**General Note****Note Type:** Nurse**Subject:** s/p shakedown

Seen Pt in medical, Pt states he was slammed on desk causing ear and testicular discomfort. Pt ear examined no signs of swelling or bleeding, membranes intact. Pt has discoloration and echomysis located on forehead, LT side of back and shoulder blade. Sergeants notified. Pt placed on provider sick call for follow up.

I specifically told this Nurse that officers assaulted me and slammed me on the desk and kicked me in my penis and testicles. Why is she refusing to specify that officers did it? Why are medical staff not reporting in these reports that it was officers

Clinical Lists Changes**Observations:**

Added new observation of Gen Note Type: Nurse (12/10/2024 0:37) who did this?

AS you'll read the membrane in my left ear has a hole in it which is a Perforated Eardrum!!
 (A ruptured eardrum)

Electronically signed by Carolyn Koonce RN on 12/10/2024 at 12:44 AM

WHY WAS A SERGEANT CALLED
 IF IT WASN'T THIS SERIOUS!!

C**C****C**

Albany840 Albany Shaker Rd Albany, NY 12211
Phone: (518) 869-2641December 23, 2024
Page 1

ERIK CARPENTER COMMITMENT#: 22-01606 SBI#: 46 Years Old
DOB: 10/25/1978 LOC: 1 WEST R 17 1 Race: Black or African American Gender: Male
HLCN: ALB

12/10/2024 - Progress Note: Medical ALP - Hospital Return

Provider: Ashley Grimmick NP
Location of Care: Albany

EXHIBIT-D

General Note**Note Type:** Medical ALP**Subject:** Hospital Return

46 year old male seen s/p hospital return. Patient was sent to ED due to "c/o headache, scrotal pain, loss of hearing in right ear" per Dr. Lebarty. Patient was seen evaluated and discharged from the ED.

DX: Perforated Eardrum (left), assault, chest wall pain, testicle pain

Referral to ENT

Falsely reported "Right Ear". It's
My Left ear and I specifically
said "Left ear" NOT Right.
PURPOSELY downplaying ASSAULT!!**Assessment & Plan****Assessment Comments:** Perforation of left tympanic membrane**Plan Comments:** Perforation of left tympanic membrane

-f/u ENT

-tylenol & motrin PRN

HOW CAN I HAVE A BROKEN/ruptured
LEFT eardrum AND THEY ADMINISTER
THIS TO HELP FOR A BROKEN EARDRUM**Disposition & Patient Education****Does the inmate need assistive devices?** NoThe patient has been educated regarding the patient's diagnosis and diagnostic results. The patient verbalizes understanding of current health status and expresses verbal consent to current management.
Yes**Education Provided:** Medicine Management

Z2

Clinical Lists Changes**Observations:**

Added new observation of Gen Note Type: Medical ALP (12/10/2024 19:01)

Electronically signed by Ashley Grimmick NP on 12/10/2024 at 9:56 PM

EXHIBIT-D

Albany

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December 23, 2024

Page 1

EXHIBIT-E

ERIK CARPENTER COMMITMENT#: 22-01606 SBI#: 46 Years Old
DOB: 10/25/1978 LOC: 1 WEST R 17 1 Race: Black or African American Gender: Male
HLCN: ALB

12/10/2024 - Medical Referral and Transport: Medical Referral / Transportation

Provider: Ashley Grimmick NP

Location of Care: Albany

Type: Send Out/Referral Report

*EXHIBIT-E***Medical Referral/Transportation**

Encounter Type: Outpatient

Transported To: Albany ENT & Allergy

Transported By: Sheriff

Referral Report:

Reason for Referral: Perforated Ear Drum

Objective Findings: Perforated Ear Drum

Working Diagnosis: Perforated Ear Drum

Referred By: SPHP/AGrimmick NP

Hospital/Physician Report***Findings:***

*This is proof of my
 injury of a Perforated Eardrum
 as a result from being Assaulted
 by the Corrections Officers
 They ALSO Sexually Assaulted Me.*

*E****Diagnostic Work Performed (Lab, X-Ray, etc.)******Diagnosis:******Recommended Treatment Plan:******Follow-Up Care Recommended (Specialty, Clinic, etc.):***

Provider Name: _____ **Print Name** _____ **Signature** _____ **Date** _____

Electronically signed by Ashley Grimmick NP on 12/10/2024 at 9:53 PM

*E**E*

Albany

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 Phone:(518) 869-2641

December 23, 2024

Page 1

PREK CARPENTER COMMENCEMENT 22-01606 ISRA 45 Years Old
 DOB 02/23/1971 LOC: 1 WEST R3741 Race: Black or African American Gender: Male
 MIG: N/A

12/13/2024 - Progress Note: Other - ear pain

Provider: Nosa Lebarty MD

Location of Care: Albany

General Note

Note Type: Other

Subject: ear pain

Pt seen and examined. Here for left ear pain. He apparently had altercation and now with ear pain. No hearing loss, no dizziness and no gait instability.

Assessment & Plan

Assessment Comments: Left ear otalgia
 Otitis external

Plan Comments: Will give neomycin otic
 Will continue with current care plan
 Pending ENT follow up
 Will reassess in due course.

Disposition & Patient Education

Does the inmate need assistive devices? No

Disposition: General Population

The patient has been educated regarding the patient's diagnosis and diagnostic results. The patient verbalizes understanding of current health status and expresses verbal consent to current management.

Yes

Education Provided: Medicine Management

Here again he left out the true facts that I was assaulted by officers. I specifically told him that officers assaulted me. Why is he hiding this fact in these reports? And I cannot truly hear out of my left ear because of a perforated eardrum (Ear rupture) I clearly didn't do this to myself!

Clinical Lists Changes**Observations:**

Added new observation of CARE LOC: General Population (12/13/2024 9:14)

Added new observation of Gen Note Type: Other (12/13/2024 9:14)

Electronically signed by Nosa Lebarty MD on 12/13/2024 at 2:54 PM

F F SICK CALL REQUEST EXHIBIT-F F

Facility: Albany County Corrections & Rehabilitative Services Center

Name: Erik Carpenter DOB: 10/25/1978 ID#: 15317 Housing Unit: I-West #17Requested Service (check appropriate box): Medical Mental Health Dental Other

Explain Your Problem: Nosa Lebarty, MD I had in his report to help cover up an assault from me by officers. I specifically told Nosa Lebarty that officers kicked me in my penis and testicles, Nosa Lebarty falsely reported that I said "stomach" to help cover up the sexual assault. This false Report is in my Medical Record in Comment #22-01606. Electronically signed by Nosa on 12/10/24. Can you please correct this false report or Record that I contest it.

Inmate's Signature: Erik Carpenter Date: 12/10/2024 Time: 7:00 am/pm

Place the completed form in the sick call box on your housing unit or give to staff as directed. Health staff will pick up the forms daily. If appropriate you will be scheduled for a sick call visit

DO NOT WRITE BELOW THIS LINE

MEDICAL STAFF USE ONLY - Complete all sections in sequence

1. Pick Up/Request Received	2. Triage of Request
<input type="checkbox"/> Face to face encounter has been conducted Signature/Title _____ Date: _____ Time: _____ am/pm	Signature/Title _____ Date: _____ Time: _____ am/pm Refer To: <input type="checkbox"/> Nurse Sick Call <input type="checkbox"/> MD <input type="checkbox"/> NP/PA <input type="checkbox"/> Dental <input type="checkbox"/> Mental Health <input type="checkbox"/> Clinic, Type: _____ <input type="checkbox"/> Other: _____

3. Nurse (RN) Sick Call Visit

*****Complete in SOAPE format in reference to RN Sick Call Protocols*****

SUBJECTIVE: _____

OBJECTIVE: B/P _____ / _____ P _____ R _____ T _____ Weight: _____ PAIN _____

IF APPLICABLE: SPO2 _____ Blood Glucose _____

 _____ASSESSMENT: _____

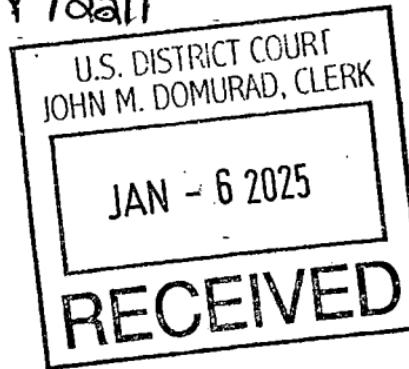
PLAN: 1. Nurse Protocol Referenced _____
 2. Follow-up: MD/NP/PA Dental Mental Health Return to Clinic _____ Other: _____

EDUCATION: Inmate Education Handout reviewed with and given to patient

RN Signature/Title: _____ Date: _____ / _____ Time: _____ am/pm

ERIK CARPENTER

Albany County Corr. Facility
840 Albany-Shaker Rd.
Albany NY 12211

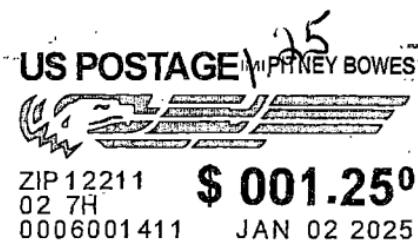


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United States District Court
Court Clerk's Office
PO Box 7367
100 South Clinton St.
Syracuse NY 13261-7367

!! URGENT MAIL !!

ERIK CARPENTER

Albany County Com Facility
840 Albany-Shaker Rd.
Albany, N.Y. 12211

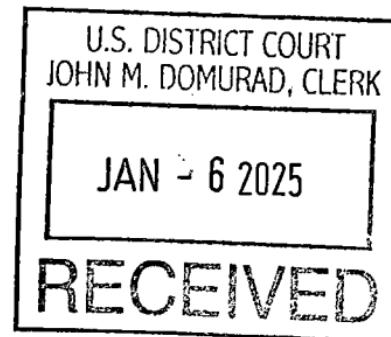
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100 South Clinton St.
Syracuse, NY 13261-7367

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11 URGENT MAIL 11